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FILED
U.S. DISTRICT COURT
2015 JUL 16 A 10:02
DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FOURTEEN ASSORTED FIREARMS,

Defendants.

VERIFIED COMPLAINT FOR
FORFEITURE *IN REM*

Case: 2:15cv00504

Assigned To : Campbell, Tena

Assign. Date : 7/16/2015

Description: USA v. Fourteen Assorted Firearms

Pursuant to Supplemental Rule G(2) of the Federal Rules of Civil Procedure, the United States of America files this *in rem* action for forfeiture. The United States alleges:

NATURE OF THE ACTION

1. This is a judicial forfeiture action under 18 U.S.C. § 924(d)(1). The United States seeks the forfeiture of the defendant firearms listed in Exhibit A (“firearms” or “defendant firearms”) because they were involved in or used in a knowing violation of 18 U.S.C. § 922(g)(1).

JURISDICTION AND VENUE

2. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

3. *In rem* jurisdiction is proper over the defendant firearms in this case under 28 U.S.C. § 1355.

4. Venue in this Court is proper under 28 U.S.C. § 1355(b) because the acts or omissions giving rise to the forfeiture occurred in the District of Utah and under 28 U.S.C. § 1395 because the defendant firearms identified below were seized in the District of Utah.

PARTIES

5. Plaintiff is the United States of America.

6. The defendant firearms are identified as the firearms listed in Exhibit A.

7. The firearms were seized from a 2001 Gulfstream RV, CA license number 5WDE467 located at the SLC Impound Lot, 2150 West 500 South, Salt Lake City, Utah. The Federal Bureau of Investigation in Salt Lake City, Utah, currently has custody of the firearms.

FACTS AND CIRCUMSTANCES SUPPORTING FORFEITURE

8. On November 20, 2014, law enforcement officers executed an arrest warrant for Justin Christopher and buccal swab warrants for Richard Christopher and Justin Christopher at 2266 S 4000 W, West Valley City, Utah, where the Christophers were temporarily staying in an RV, CA license number 5WDE467.

9. The Christophers had barricaded themselves in the RV. Officers ultimately had to use gas, and then enter the RV to extract the Christophers. During the entry, officers observed multiple firearms in the RV. Justin Christopher was arrested on federal money laundering charges. Richard Christopher was arrested for Felon in Possession of a Firearm.

10. The following day on November 21, 2014, investigators conducted a more exhaustive search of the RV pursuant to a search warrant.

11. During this search, officers located an expired Utah Concealed Weapons Permit, a social security card, two expired Utah driver's licenses, and prescription bottles, each bearing Richard Christopher's name.

12. Officers also located various firearms and related items throughout the RV including:

- a. In the bedroom closet: 1) numerous loaded weapon magazines; 2) hundreds of rounds of various types of ammunition; 3) Fabrique National 5.7 x 2.8 rifle, Serial No. FN080729; 4) Springfield 1911-A1 .45 caliber semi-auto handgun, Serial No. NM232789; 5) Sig Sauer P220 .45 caliber semi-auto handgun, Serial No. G419418; and 6) Smith & Wesson M&P .22 auto handgun, Serial No. DUL 7310.
- b. On the floor between a bed and storage cabinet: 1) Remington 710 .330 caliber win Rifle, Serial No. 71291936; 2) Winchester Model 62A .22 caliber rifle, Serial No. 311572; and 3) a Winchester Model 94 25-35 rifle, Serial No. 975610.
- c. In a backpack: 1) numerous loaded weapon magazines; and 2) Sig Sauer P220 .45 caliber handgun, Serial No. G316541.
- d. In the storage cabinet: 1) numerous loaded weapon magazines; 2) Smith & Wesson .45 caliber handgun, Serial No. DVF8080;¹ 3) MTU 009 rifle, Serial No. 015846; 4) AK-10 5.56mm rifle, Serial No. SBR 72839; 5) KSG Keltec

¹ The United States is not seeking forfeiture of this firearm because it is currently being held as evidence by the Salt Lake City Police Department.

shotgun, Serial No. XDU35; 5) Smith & Wesson 5.56mm rifle, Serial No. DZW4002; and 6) Bean Firearms .223 rifle, Serial No. 1303008A.

e. On the floor by the RV's gas pedal: 1) Remington 1911 R1 .45 caliber handgun, Serial No. RH13996A.

13. On January 3, 2008, Richard Christopher was convicted of Domestic Battery, a felony punishable by imprisonment for more than one year.

14. Richard Christopher is Justin Christopher's father.

15. Richard Christopher and Justin Christopher lived together in several different locations, including in the RV Justin Christopher purchased it on November 7, 2014, a different RV, and a at rented house in Bountiful, Utah.

16. Justin Christopher owned JC's Custom Jewelry. Both Justin and Richard worked at the business. In about December 2013, Richard and Justin Christopher met Todd Singleton, a Sandy Police Department officer, after responding to an ad for ammunition posted by Mr. Singleton. Sometime after December 2013, Richard Christopher showed Mr. Singleton several semiautomatic assault rifles and handguns at the jewelry store. Mr. Singleton also went shooting with Richard and Justin Christopher on at least two occasions.

17. On June 23, 2015, in *United States v. Richard Christopher*, No. 2:15CR7, Richard Christopher pleaded guilty to Felon in Possession of a Firearm in knowing violation of 18 U.S.C. § 922(g)(1).

18. Based on the foregoing, the defendant firearms are subject to forfeiture to the United States of America.

CLAIM FOR RELIEF

18 U.S.C. § 924(d)(1)

**(Forfeiture of firearms involved in or used
in a knowing violation of 18 U.S.C. § 922(g)(1))**

19. The United States reasserts all allegations previously made.

20. Title 18, United States Code, Section 924(d)(1) provides for the forfeiture of any firearms involved in or used or intended to be used in a knowing violation of 18 U.S.C. § 922(g).

21. As set forth above, the firearms listed in Exhibit A were all involved in or used in a violation of 18 U.S.C. § 922(g)(1) and are subject to civil forfeiture under 18 U.S.C. § 924(d)(1) because Richard Christopher had been convicted of a crime punishable by imprisonment for more than one year and he knowingly possessed, in and affecting interstate commerce, the defendant firearms, in violation of 18 U.S.C. § 922(g)(1).

REQUEST FOR RELIEF

WHEREFORE, the United States respectfully asserts that the Firearms are forfeitable to the United States under 18 U.S.C. § 924(d)(1).


The United States further requests:

- A. That, pursuant to the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G(3)(b)(i), the Clerk of the Court issue a Warrant and Summons for Arrest of Articles *In Rem* as to the defendant firearms listed in Exhibit A;
- B. That notice of this action be given to all persons known or thought to have an interest in or right against the property;
- C. That the defendant firearms be forfeited and condemned to the United States of America;

- D. That after trial, the Court decree, confirm, enforce and order an Order of Forfeiture as to the defendant firearms to the United States; and thus order the United States Marshal, or his delegate, to dispose of the defendant firearms as provided by law; and
- E. Award Plaintiff, the United States, its costs of Court and all further relief to which it is entitled.

Dated this 16th day of July, 2015.

JOHN W. HUBER
United States Attorney

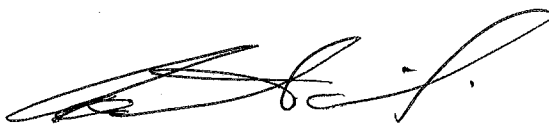

TYLER L. MURRAY
Assistant United States Attorney

VERIFICATION

I am a Special Agent with the Federal Bureau of Investigation (FBI), which has employed me since January of 2011. I am currently assigned to the FBI Safe Streets Task Force (SSTF) and I am tasked with investigating street gangs and drug trafficking. Under 18 U.S.C. § 2510(7) I am an investigative or law enforcement officer of the United States, and am empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

I have read the contents of the foregoing Verified Complaint for Forfeiture *In Rem* and verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the statements contained therein are true and correct to the best of my knowledge and belief.

Executed on this 16 day of July, 2015.

A handwritten signature in black ink, appearing to read 'C. Smilie', is written over a horizontal line.

CAMERON M. SMILIE, Special Agent
Federal Bureau of Investigation